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THE SOCIAL FORUM

Working paper submitted by Mr. José Bengoa pursuant to Sub-Commission resolution 2001/24 * **

* This working paper was submitted on 12 June 2002 in order to take into account the necessary methodology for the organization of the first session of the Social Forum pursuant to Commission on Human Rights decision 2002/106 to authorize the holding of the Social Fourm over the two days prior to the Sub-Commission's fifty-fourth session.

** The views expressed herein do not necessarily reflect those of the Sub-Commission, its members or the United Nations

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1. The Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 2001/24, requested Mr. José Bengoa, a Sub-Commission member, to prepare a preliminary working paper outlining the methodology and work of the Social Forum. This report is to inform the Sub-Commission of the concept, role and objectives of the Social Forum.

I. SOCIAL FORUM: A NEEDED INSTITUTION

2. On 25 and 26 July 2002 the first session of the Social Forum will be held at the Palais des Nations, Geneva. It will offer a new forum for debate within the United Nations for analysis of the relationship between globalization and human rights, in particular economic, social and cultural rights, in a globalized world.

3. The Commission on Human Rights, in its decision 2002/106 of 22 April 2002, approved the request made by the Sub-Commission to request the Economic and Social Council to authorize the holding in Geneva of a pre-sessional forum on economic, social and cultural rights before the fifty-fourth session of the Sub-Commission, to be known as the "Social Forum", for two days, with the participation of 10 members of the Sub-Commission, taking into account regional representation. Invitations to participate in the Social Forum will be extended to international agencies, Governments, non-governmental organizations, citizens' organizations and associations, public figures and academics, workers' organizations, private and government international cooperation agencies and human rights institutions.[1]

4. The Sub-Commission on the Promotion and Protection of Human Rights spent a number of years discussing the possibility of holding such an annual meeting and establishing within the Organization a forum for debate on the complex realities of today's world. Over the past 10 years the Sub-Commission has refocused its priorities on the study of economic, social and cultural rights, with the understanding that this is a fundamental area of human rights which has not always been analysed in depth or on the same terms as civil and political rights.

5. In the early 1990s the set of pioneering, up-to-date studies by Mr. Danilo Türk, in particular, drew attention to the profound changes for human rights represented by the new world situation. The studies led to growing interest in this subject area, with: (a) the reports on human rights and extreme poverty submitted by Mr. Leandro Despouy, of Argentina; (b) the set of studies prepared by Mr. Asbjørn Eide, of Norway, especially his preparatory document on income distribution and human rights (1994) and his studies on the right to food (1999 and 2000); (c) the studies on transnational corporations, reparation and international

law and the impact on human rights in general and economic, social and cultural rights in particular, the right to drinking water and other studies prepared by Mr. El Hadji Guissé, of Senegal; (d) the studies on globalization, international trade and their impact on human rights prepared by Mr. Joseph Oloka-Onyango, of Uganda, and Ms. Deepika Udagama, of Sri Lanka (1999 and 2000); (e) those prepared by Mr. David Weissbrodt, of the United States of America, on codes of conduct for transnational corporations and the material of the Sub-Commission's working group on the working methods and activities of transnational corporations; (f) those on education and human rights by Mr. Mustapha Mehedi, of Algeria; and (g) numerous other reports and documents in this field which have been prepared or are in preparation by these and other bodies.[2]

6. The proposal for the establishment of a social forum arose from the conclusions of the study entitled "the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution" (E/CN.4/Sub.2/1995/14, E/CN.4/Sub.2/1996/14, E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8). This study noted the appearance of new actors on the world scene, and pointed out that the process of globalization complicated the world scene to such an extent that new forums for debate were required, as those in existence were limited and inadequate. The studies also noted that those engaged in human rights debates were generally unaware of debate on global economic decisions, and those engaged in the latter were certainly unaware of the former. Lastly, it was noted that the voices of those who suffered or benefited from the effects and impact of globalization were not always heard at the forums at which decisions were taken and that it was the duty of the United Nations to establish bridges between the various actors involved.

7. Over the past six years the Sub-Commission has discussed these ideas and proposals and adopted various resolutions on the establishment of the Social Forum as a means of following up on this work and accumulated knowledge and providing an appropriate forum for debate on these important issues. In August 2001 a preparatory meeting was held at the Palais des Nations at Geneva, attended by a number of public figures, directors of international agencies, representatives of non-governmental organizations, international trade union organizations and citizens' associations. The session was opened by the United Nations High Commissioner for Human Rights, Mary Robinson, who gave her support to the initiative, as did many directors of intergovernmental agencies and international non-governmental organizations at the meeting. While it is the case that over the years during which this Social Forum was being prepared other

initiatives of great importance emerged (World Social Forum, Porto Alegre, Brazil; World Economic Forum, Davos, Switzerland; etc.), it is also the case that in terms of intergovernmental agencies, and the United Nations system, there was no annual forum where these matters could be discussed openly and at which all the actors involved in globalization could be present.

8. The Social Forum has arisen from the belief that a productive dialogue needs to be established between economic agents, actors in globalization, intellectuals and academics concerned with such phenomena, citizens' organizations and, in particular, the grass-roots organizations working in the field of human rights that experience their impact. To promote effective dialogue a forum has been established in the United Nations under the mandate of the Sub-Commission that will facilitate an exchange of views between actors who normally do not join in the same discussions: Governments, government development agencies, transnational corporations, financial institutions, United Nations specialized agencies, multilateral banks, non-governmental organizations, cooperation agencies, workers' organizations and grass-roots associations, and citizens' organizations involved in development, solidarity and the realization of economic, social and cultural rights. The participants will have an equal right to be heard, in an atmosphere of constructive dialogue and respect for ideas and opinions.

9. The aim of the Social Forum will be to discuss the most important issues affecting development in today's world, in particular those relating to globalization and its impact on people, poverty, development, cooperation and the full enjoyment of individual rights. Yet, unlike other forums for debate, it will be able to put forward policy approaches, proposals, suggestions for regulations and various other recommendations, to be considered by the Sub-Commission and brought before high-level bodies in the United Nations system (see E/CN.4/Sub.2/1997/9 and annexed tables). In this sense the aim of the Social Forum is to act as a home to intellectual innovation for the United Nations system in general and the system for the defence, promotion and protection of human rights in particular. It should offer guidance and suggest policies regarding the nature and impact of contemporary globalization processes, which are generally acknowledged to affect peoples, in particular those of third world countries and regions, unequally. These contributions, in addition to constituting a democratically adopted knowledge base, would serve as input for decision-making. The 10 members of the Sub-Commission at the Social Forum will act as spokespersons for the debate in the

Sub-Commission and other formal bodies in the international system. They will need to submit resolutions and specific proposals reflecting the debate and translating it into practical measures for the international system.

10. The Social Forum is a response to the new requirements and challenges arising as a result of the globalization of the economy, which has entered an accelerated phase in the last decade. Globalized communications and increasingly wide-ranging exchanges of goods and financial resources, but also of messages, cultural symbols, consumption patterns and ethical standards, are involving an increasing number of actors in decisions concerning development. Without prejudice to the responsibility of States for the fulfilment of economic, social and cultural rights, there are many other actors who not only hold responsibilities in this respect but who also often decide on possible solutions. The aim of the Social Forum is to bring all these actors together to discuss their responsibilities in terms of economic, social and cultural rights.

11. The aim of the Social Forum is also to arrange a meeting between different bodies where the theme of economic, social and cultural rights is currently discussed, such as the Committee on Economic, Social and Cultural Rights, which is responsible for monitoring the implementation of the Covenant, the Working Group on the Right to Development and other United Nations bodies such as the International Labour Organization (ILO), with a view to establishing links and a common meeting-place, coordination, joint projects and mutual acquaintance, subject to respect for each one's sphere of competence.

12. For its first session the Social Forum will use a simple and open discussion procedure. Panels have been organized, one each morning, with the aim of promoting discussion. Invitations to these panels have been extended to representatives of the Porto Alegre and Davos forums, internationally recognized intellectual and political figures, and to leaders of grass-roots organizations, in particular networks of production sector organizations, workers, women, craftsmen, fishermen, agricultural workers, indigenous peoples and various producers' organizations. Invitations have also been extended to representatives of the better known and more important international organizations such as the World Bank, International Monetary Fund (IMF), World Trade Organization (WTO), ILO, United Nations Food and Agriculture Organization (FAO) and others of a similar stature. Invitations have also been sent to the more important non-governmental organizations, many of which have formed a support group:

"Friends of the Social Forum", with the aim of promoting and facilitating participation by grass-roots organizations. The expectation is that these individuals and representatives will participate in a democratic manner on an equal basis.

II. TOPICS, OBJECTIVES AND AGENDA

13. The first session of the Social Forum will focus on the relationship between globalization and the attainment of human rights, particularly with regard to poverty eradication and reduction and the right to food.

14. Observers of global processes are increasingly concerned at the impact of globalization on poverty and hunger. The statistics are so depressing that they are almost devoid of impact on public opinion. Every day there is news of large numbers of extremely complex situations so that it seems that millions face a problematic fate without any apparent solution to their difficulties. The complexity of the phenomena often leads to inaction and the view that any attempt to reflect on these matters is futile. Yet entire regions of the world are without prospects for development or economic growth, or, quite simply, any possibility of survival at a basic level. The more developed countries look with concern on efforts by the impoverished masses to seek a solution to their problems in migration and are fully aware that merely closing their borders does not offer either a short-term or a long-term solution. Global economic authorities at the highest level realize that systems of cooperation for development, humanitarian assistance and, in general, transfers of resources from the first to the third world - so-called development projects - are in crisis or have simply failed. No one who closely follows the world press and the academic and political debate can have any doubt that in this area a significant and systematic effort is required to create new paradigms, new proposals, alliances and commitments. The mass demonstrations held in almost every part of the world in recent years are simply another expression of what the Sub-Commission has been pointing out for some years, before these demonstrations took place, and which justify the existence of this Social Forum.

A. The debate on economic, social and cultural rights in a global world

15. The Social Forum's main goal is the understanding of economic, social and cultural rights in a globalized world.

16. The report by the Special Rapporteur, Mr. Danilo Türk (E/CN.4/Sub.2/1992/16), drew attention to "the need for a comprehensive approach towards human rights and for strengthening economic, social and cultural rights". It added that in view of recent political and social changes, "this is precisely the time when a unified and balanced approach should be sought in the

interpretation of the relationship between the two major sets of human rights". It then goes on to quote Henkin's statement that "the International Covenant on Economic, Social and Cultural Rights is law, not merely exhortation and aspiration. The rights it recognizes are as 'human', universal and fundamental as are those of the International Covenant on Civil and Political Rights". These considerations have provided the basis for most of the studies carried out in recent years in the Sub-Commission and should guide the debates and studies of the Social Forum.

17. Economic, social and cultural rights now constitute therefore a global, valid code, solemnly approved by the States, which provides a common basis on which to build relations between the most vulnerable sectors, Governments and non-governmental actors, in the areas of commerce, industry and finance as well as in the non-governmental world of development and international solidarity. These rights should be understood as a set of principles on which to found the establishment of a system of new and better relations in the process of globalization currently occurring in the world.

18. With the globalization of markets, information systems, financial institutions and organizations wielding economic, social and cultural authority, there has been a growing globalization of political society and civil society in different forms. The terms commonly used are "globalization from above" and "globalization from below", i.e. of institutions and organizations that express civil society in all its diversity and which are also becoming increasingly globalized.[3] Understanding these phenomena should be part of the Social Forum's agenda.

19. On the day of general discussion of globalization at the eighteenth session of the Committee on Economic, Social and Cultural Rights, participants drew attention to the need for a set of regulations to mitigate the negative impact of globalization. There was a need to integrate human rights obligations in the function of international, financial and commercial institutions and to point out, call upon and demand of transnational enterprises in a particular country that they should respect human rights (see E/1999/22-E/C.12/1998/26). This concern, fully shared by many United Nations organs and other international bodies, must become one of the main objectives to be achieved by the Social Forum through the formulation of proposals which would then be studied by specialized bodies. The Social Forum should therefore be a source of information, proposals and suggestions in the area of economic, social and cultural rights.

B. Study of relations between globalized world trade, the decisions adopted by multilateral organizations and the realization of economic, social and cultural rights

20. There are increasingly close links between "globalized decisions" and the lives of individuals. Many decisions taken at global summits, meetings and assemblies affect the world as a whole through both their benefits and their negative effects on populations.

21. One of the most important issues in this new century, as may easily be seen from the succession of demonstrations taking place at global meetings, is the link between decisions taken by Governments and by multinational or multilateral organizations concerning international trade and the consequences of those decisions on countries, regions, localities and individuals. The Social Forum should provide an area for dialogue in which these key aspects of concern to the international community may be analysed.

22. Commitment 8 of the Copenhagen Word Summit for Social Development ("Social Summit") stated explicitly: "We commit ourselves to ensuring that when structural adjustment programmes are agreed to they include social development goals, in particular eradicating poverty, promoting full and productive employment, and enhancing social integration" (see A/CONF.166/L.3/Add.7). This wish expressed by the international community is clearly applicable to all decisions taken nowadays in the area of trade and finance. In the last two years the Sub-Commission has discussed the reports of Mr. Oloka Onyango and Ms. Deepika Udagama, in which this issue has been analysed in depth. The Social Forum should prepare an analysis of the various situations, proposals and suggestions for the relevant specialized agencies.

23. The Social Forum, without prejudice to the activities of other specialized agencies and taking their work into account, should analyse the effects on employment of international measures aimed at liberalizing markets, deregulating labour and altering tariffs and of demands for budget reductions by the World Bank and multilateral organizations. The study of employment should include an analysis of the consequences such measures have on women and children in particular. At the Social Forum these economic and financial analyses are not valid on their own terms, as would be the case if they were discussed at other specialized forums and meetings, but, rather, in terms of their relationship with human rights, in particular, economic, social and cultural rights.

C. Poverty and extreme poverty in a globalized world

24. The World Summit for Social Development found that the struggle against poverty and the provision of sustainable means of living constitute a moral, political and economic responsibility for national Governments and the international community.

25. The Social Forum should provide a focus for monitoring situations of poverty in the world, combining economic, commercial and financial prospects with moral and political considerations, in the light of human rights requirements. The frustration experienced by people pursuing the ideal of a fairer world and by those dealing with day-to-day economic realities should be overcome through constructive proposals. Accordingly it has been decided to focus on this topic at the first session of the Forum, without prejudice to analysis of this complex question from a broader perspective.

26. Many international bodies have found that there are economic, commercial and financial decisions that have the effect of aggravating situations of poverty, often in remote areas of the world, and in different regions. The Social Forum should provide a focus for understanding these interrelated phenomena, analysing them from several points of view and searching for solutions.

27. Rural poverty and extreme rural poverty should be an area of particular concern for the Social Forum, since, especially in the third world, it is in rural areas that the worst forms of poverty tend to be found. Accordingly the Social Forum would wish to analyse these questions in particular at this first session.

28. Urban poverty, especially in major cities, is another issue to which the Social Forum should give its closest attention. The Sub-Commission has a great deal of material produced by its special rapporteurs on the right to housing (see, for example, the final report by Mr. Rajindar Sachar (E/CN.4/Sub.2/1995/12)). The resolutions adopted by the United Nations Conference on Human Settlements (Habitat II) held in Istanbul (Turkey) in 1996 and the debates concerning the right to adequate housing should be analysed within the Forum's broader perspective, namely globalization and the right to adequate housing (see report by Commission Special Rapporteur, Mr. Kothari (E/CN.4/2001/51)).

D. The effects of international trade and finance systems and the activities of transnational corporations and multilateral financial institutions on income distribution at national and international level

29. Bad income distribution at the national and international levels is one of the worst factors for social and political destabilization and a factor for social disintegration. All studies agree that the search for the better realization of economic, social and cultural rights depends on improving standards of social equity and on the way goods and services are distributed within and among societies. There are many factors causing bad income distribution at the national and international levels. The Social Forum should provide a focus for analysing these effects and for putting forward proposals for standards, plans and programmes aimed at improving income distribution.

30. The Social Forum should coordinate and make use of the deliberations and achievements of the Sub-Commission's working group on the working methods and activities of transnational cooperations, which in recent years has made progress on many aspects related to this issue. There is no doubt whatsoever that there are enterprises, both production as well as financial companies, which have a capacity for action that exceeds that of some States and which frequently have a decisive impact on populations. The Social Forum should provide a focus for reporting on not only economic situations but also standard-setting, points of agreement, analysis of best practice and regulatory principles capable of transforming existing relationships, which are generally extremely prejudicial for poor populations.

31. The fragmentation of societies and complex processes of social disintegration are often the unforeseen consequences of economic, commercial and financial decisions. The crisis affecting many social integration systems constitutes one of the gravest dangers of conflict and violence. The Social Summit stated in commitment 4 of the Copenhagen Declaration: "We commit ourselves to promoting social integration by fostering societies that are stable, safe and just and that are based on the promotion and protection of all human rights, as well as on non-discrimination, tolerance, respect for diversity, equality of opportunity, solidarity, security, and participation of all people." The Programme of Action refers to the need for effective laws and mechanisms to achieve that objective, an issue which the Social Forum should also discuss.

32. From this perspective the Social Forum is an "early warning" centre for social and political conflicts since, as is generally recognized, many, if not most, of them originate in situations of the kind considered here. The voices of grass-roots organizations, citizens'

associations, non-governmental organizations and other actors such as intellectuals, academics and analysts, are of strategic importance in drawing attention to situations before they give rise to violent, destructive processes that cannot be halted. Discussion in a formal public forum of the United Nations system will provide an effective tool in this regard.

E. Analysis of international decisions affecting basic resources for the population, and basic social services, in particular the right to health and education

33. Many decisions taken at international level have implications for the basic resources which populations need for their survival, life and development. The control and use of natural resources is increasingly determined by decisions taken somewhere else. The Sub-Commission has been spending more time discussing the right to drinking water and the right to food, among other matters of fundamental importance. The links between the enjoyment of these rights and the economic decisions taken by public and private actors should be one of the issues taken up by the Social Forum.

34. International decisions in the globalized economy, whether private or public, often entail serious cuts in the social expenditure of individual countries. The World Summit for Social Development and many other international bodies have drawn attention to the need to ensure that the system of economic and financial decision-making should not adversely affect weak social service structures, especially in the poorest countries.

35. The analysis of social expenditure on education and health should be given consideration in the Social Forum's discussions.

F. Analysis of the consequences of decisions relating to international trade, finance and economic organization for vulnerable groups, especially minorities, indigenous peoples, migrants, refugees, women, children and other social sectors affected by such measures

36. The Sub-Commission has a special mandate to study minority groups, indigenous peoples, migrants, displaced people, women, children, refugees and other vulnerable groups. The link between global processes in the economic, trade, financial and other areas and the economic, social and cultural rights of these sectors is of the highest importance and should be included in the Social Forum's agenda.

37. Independently of what may be done or what should be done by specialized bodies (such as the Working Group on Indigenous Populations and the Permanent Forum for Indigenous Peoples on that issue), the Social Forum should provide a focus for specific discussion of the

realization of economic, social and cultural rights and the way these groups are affected, as well as of situations in which the economic, social and cultural rights of these groups are impaired by multilateral policies, the activities of transnational corporations and financial investments amongst others. The Forum should coordinate its activities with those United Nations agencies and specialized bodies.

G. Public and private, multilateral and bilateral international development cooperation and the realization of economic, social and cultural rights

38. The importance of international cooperation is another of the characteristics of the current process of globalization. State development agencies compete with public multilateral agencies and private or non-governmental organizations. In recent years, powerful organizations have emerged, which handle considerable resources. The debate about the characteristics of development aid and international cooperation and their implications for human rights and economic, social and cultural rights should be part of the Social Forum's programme.

39. This item should, at future sessions of the Social Forum, cover the international community's undertaking to devote 0.7 per cent of the gross national product of developed countries to cooperation, the so-called "20/20" initiative promises and commitments to reduce external debt and related issues.

40. The link between humanitarian aid and human rights is a highly complex issue of increasing concern to the international community. Humanitarian aid has today become a major issue, with the establishment of extensive aid networks dealing with catastrophes, natural disasters and, especially, situations of political crisis and violence. The importance of and need for this humanitarian aid at specific times, especially in response to geographical or political calamites in the third world, is clear. The relationship between such aid and its impact is, however, complex. Quite often international aid takes on a political connotation and it has sometimes been used as a means of pressure. Moreover, the manner in which international aid is applied frequently determines the subsequent development of the country or region concerned. Not infrequently short-term aid becomes permanent, thereby destroying local production and destabilizing traditional societies. These issues must be analysed in the light of human rights, and guidelines and strategies should be proposed for the benefit of the international community and the competent bodies involved.

41. The Social Forum should provide a focus for studying, proposing and putting forward innovative proposals for development cooperation and humanitarian aid and in general for efforts to improve the quantity and quality of international cooperation.

H. Follow-up to agreements in social matters reached at summits, particularly the Copenhagen World Summit for Social Development, and in other international bodies, concerning the link between economic, commercial and financial affairs and the full realization of human rights, especially economic, social and cultural rights

42. The Social Forum should provide annual follow-up to decisions taken by States at various international meetings held in recent years and at formal follow-up and evaluation meetings. Such discussions should lead to recommendations and improve the appreciation by many different actors of the consequences of such meetings.

I. Social and economic indicators, studies and research, and their role in the realization of economic, social and cultural rights

43. The debate on human rights indicators, in particular those relating to economic, social and cultural rights, has run into many difficulties. Nevertheless, many United Nations organs and bodies have made progress in this area, and have succeeded in producing their own indicators based on social policies in many parts of the world, such as the Human Development Index produced by the United Nations Development Programme.

44. The Social Forum should discuss the criteria used to construct such indicators, propose new alternatives and seek sufficient support in the specialized agencies to ensure that discussions are held on the basis of adequate data.

45. The Social Forum will have the capacity to propose studies, request third parties to undertake specific research, establish work teams and serve as a vehicle for proposals in substantive areas so as to bring about change and improved living conditions for broad segments of the world's population.

Notes

[1] Accreditation of participants will be via a formal letter from the organization or institution providing details of the representative at the Social Forum. Grounds passes for entry into the Palais des Nations at Geneva may be obtained immediately prior to the event at the accreditation office at the Villa Les Feuillantines, avenue de la Paix 13, 1211 Geneva 10, or by e-mail at www.unhchr.ch/html/menu2/2/sfmain/htm.

[2] All this material is available in various languages on the web site of the Office of the High Commissioner for Human Rights (www.unhchr.ch).

[3] The World Social Forum, held in 2001 and 2002 in Porto Alegre (Brazil) offers a good example of "globalization from below". The Forum brought together a number of global civil society networks to discuss the impact on them of globalization. The Davos World Economic Forum's Annual Meeting, held on a stopgap ad hoc basis in 2002 in New York, is a different kind of forum for debate in an informal setting between business/financial and government élites that outlines trends in globalization. It is the intention of the Social Forum for the achievements and experience of these meetings to be discussed and publicized as they bring together highly important social actors that frequently have no contact.